



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**IN RE APPLICATION OF:**

NAICK, INDRAN ET AL.

SERIAL NO.: 10/733,842

**FILED: DECEMBER 11, 2003**

**FOR: AUTOMATIC UPDATING OF  
CELL PHONE ADDRESS BOOK  
BASED ON SERVICE PROVIDER  
ERROR CODES**

**ATTY. DOCKET NO.:** AUS920030758US1

**EXAMINER: FRED A. CASCA**

**CONFIRMATION NO. : 2191**

ART UNIT: 2687

**APPEAL BRIEF UNDER 37 C.F.R. 1.192**

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Sir:

This Appeal Brief is submitted in support of an Appeal of the Examiner's final rejection of claims 1, 3-8, 10-17, and 19-23. A Notice of Appeal in this case was filed and received by the patent office on May 15, 2006. Applicants respectfully request a one-month extension of time and enclose a check in the amount of \$120.00 for the appropriate non-small-entity fee pursuant to 37 CFR 1.17(a)(1). Please charge the fee of \$500.00 due under 37 C.F.R. § 1.17(c), and any additional required fees, to **IBM Corporation Deposit Account No. 09-0447**.

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### **REAL PARTY IN INTEREST**

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at **reel 014807, frame 0026 et. seq.** of the USPTO assignment records.

### **RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

Claims 1, 3-8, 10-17, and 19-23 stand finally rejected by the Examiner, as noted in the final Office Action dated January 25, 2006. The rejection of claims 1, 3-8, 10-17, and 19-23 is appealed.

### **STATUS OF AMENDMENTS**

Appellant's Amendment A filed on November 15, 2005 was entered by the Examiner as indicated in the final Office Action. No amendment to the claims was proposed or entered subsequent to the final Office Action dated January 25, 2006.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Appellants' invention addresses the problem arising when a wireless telephone is used to dial a number that is stored in the telephone and which has changed. Appellants' invention may be implemented as a method, a device, or a machine-readable article of manufacture for correctively updating the dialed telephone number stored in a wireless communication device in a manner in which for each instance of the number within a database contained within the wireless communication device, the erroneous "old" number is replaced by the correct "new" telephone number. The invention further includes a feature by which multiple contacts having at

least partially identical information (e.g., two address book entries having the same telephone number such as for multiple members of the same organization) may be corrected substantially simultaneously with one another.

Appellant's **claim 1** recites a method for "updating telephone information stored in the wireless communication device," (*see specification* page 5, paragraph [0012] through [0013], with reference to **FIGS. 1 and 2**, describing wireless communication device 30) including the following steps:

(1) "receiving an error code from a wireless communication system," (*see specification* page 3, paragraph [0005], **FIG. 1**, depicting wireless communication system 10; **FIG. 2**, depicting wireless communication device 30; pages 9-10, paragraphs [0022] through [0023], describing with reference to **FIG. 2**, wireless system controller 22 generating an error code received by wireless communication device 30; page 12, paragraph [0029] through [0030], referring to steps 302 and 304 of **FIG. 3**, describing a telephone system responding to a phone call to a dialed phone number with an error code or message), "wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system" (*see specification* page 8, paragraph [0018], referring to **FIG. 2**, describing transmitter 70 of wireless communication device 30 sending a signal (i.e. call signal) to wireless communication system 10; page 9, paragraph [0022] referring to **FIG. 2**, describing system controller 22 responding to cell phone 30 attempting to make a connection to a telephone 12 or computer by generating a service provider error code; page 10, paragraph [0023], referring to **FIG. 2**, describing an error code output by system controller 22 indicating an error has occurred in an attempted telephone connection; page 12, paragraph [0029], referring to steps 302 and 304 of **FIG. 3**, describing initiation of a telephone connection and determination of whether the telephone system will respond with an error code);

(2) "automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number," (page 12, paragraph [0030], referring to step 308 of **FIG. 3**, describing a determination of whether the received error code indicates that the phone number has changed) "wherein the error code contains information indicating the new telephone number" (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing the

error code as having the new phone number encoded either programmatically or via audible tones);

(3) “automatically determining the new telephone number from the information” (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing determining either programmatically or via audible tones the new phone number from the error code); and

(4) “automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number” (page 7, paragraph [0016], referring to **FIG. 1**, describing memory **80** within wireless communication device **30** containing phone numbers; page 11, paragraph [0025], referring to **FIG. 2**, describing phone number update module **110** replacing each of possibly multiple instances of the old phone number with the new phone number within address book **92** contained in memory **80** of wireless communication device **30**; page 13, paragraph [0032], referring to block **314** of **FIG. 3**, describing a step of updating the dialed number within the cell phone’s phone book and other address books by storing the new number received in the error code in place of the dialed number).

Appellant’s **claim 8** provides a wireless communication device “having automatic update of telephone information stored in the wireless communication device,” (*see specification* page 5, paragraph [0012] through [0013], with reference to **FIGS. 1** and **2**, describing wireless communication device **30**) including the following:

(1) “means for receiving an error code from a wireless communication system,” (*see specification* page 3, paragraph [0005], **FIG. 1**, depicting wireless communication system **10**; **FIG. 2**, depicting wireless communication device **30**; pages 9-10, paragraphs [0022] through [0023], describing with reference to **FIG. 2**, wireless system controller **22** generating an error code received by wireless communication device **30**; page 12, paragraph [0029] through [0030], referring to steps **302** and **304** of **FIG. 3**, describing a telephone system responding to a phone call to a dialed phone number with an error code or message), “wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system” (*see specification* page 8, paragraph [0018], referring to **FIG. 2**, describing transmitter **70** of wireless communication device **30** sending a signal (i.e. call signal) to wireless communication system **10**; page 9, paragraph [0022]

referring to **FIG. 2**, describing system controller **22** responding to cell phone **30** attempting to make a connection to a telephone **12** or computer by generating a service provider error code; page 10, paragraph [0023], referring to **FIG. 2**, describing an error code output by system controller **22** indicating an error has occurred in an attempted telephone connection; page 12, paragraph [0029], referring to steps **302** and **304** of **FIG. 3**, describing initiation of a telephone connection and determination of whether the telephone system will respond with an error code);

(2) "means for automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number," (page 12, paragraph [0030], referring to step **308** of **FIG. 3**, describing a determination of whether the received error code indicates that the phone number has changed) "wherein the error code contains information indicating the new telephone number" (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing the error code as having the new phone number encoded either programmatically or via audible tones);

(3) "means for automatically determining the new telephone number from the information" (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing determining either programmatically or via audible tones the new phone number from the error code); and

(4) "means for automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number" (page 7, paragraph [0016], referring to **FIG. 1**, describing memory **80** within wireless communication device **30** containing phone numbers; page 11, paragraph [0025], referring to **FIG. 2**, describing phone number update module **110** replacing each of possibly multiple instances of the old phone number with the new phone number within address book **92** contained in memory **80** of wireless communication device **30**; page 13, paragraph [0032], referring to block **314** of **FIG. 3**, describing a step of updating the dialed number within the cell phone's phone book and other address books by storing the new number received in the error code in place of the dialed number).

Appellant's **claim 17** provides an article of manufacture comprising a machine-readable medium including program logic embedded therein that causes control circuitry in a wireless device (*see specification* pages 13-14, paragraphs [0033] through [0034], explaining the

invention may be implemented using any combination of computer programming software, firmware, or hardware and that such programming is typically stored on machine-readable media such as hard drives, diskettes, optical disks, etc.) “for updating telephone information stored in the wireless communication device,” (*see specification* page 5, paragraph [0012] through [0013], with reference to **FIGS. 1** and **2**, describing wireless communication device **30**) including the following method steps performed by the wireless communication device:

(1) “receiving an error code from a wireless communication system,” (*see specification* page 3, paragraph [0005], **FIG. 1**, depicting wireless communication system **10**; **FIG. 2**, depicting wireless communication device **30**; pages 9-10, paragraphs [0022] through [0023], describing with reference to **FIG. 2**, wireless system controller **22** generating an error code received by wireless communication device **30**; page 12, paragraph [0029] through [0030], referring to steps **302** and **304** of **FIG. 3**, describing a telephone system responding to a phone call to a dialed phone number with an error code or message), “wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system” (*see specification* page 8, paragraph [0018], referring to **FIG. 2**, describing transmitter **70** of wireless communication device **30** sending a signal (i.e. call signal) to wireless communication system **10**; page 9, paragraph [0022] referring to **FIG. 2**, describing system controller **22** responding to cell phone **30** attempting to make a connection to a telephone **12** or computer by generating a service provider error code; page 10, paragraph [0023], referring to **FIG. 2**, describing an error code output by system controller **22** indicating an error has occurred in an attempted telephone connection; page 12, paragraph [0029], referring to steps **302** and **304** of **FIG. 3**, describing initiation of a telephone connection and determination of whether the telephone system will respond with an error code);

(2) “automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number,” (page 12, paragraph [0030], referring to step **308** of **FIG. 3**, describing a determination of whether the received error code indicates that the phone number has changed) “wherein the error code contains information indicating the new telephone number” (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing the error code as having the new phone number encoded either programmatically or via audible tones);

(3) "automatically determining the new telephone number from the information" (page 13, paragraphs [0030] and [0031], referring to **FIG. 3**, describing determining either programmatically or via audible tones the new phone number from the error code); and

(4) "automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number" (page 7, paragraph [0016], referring to **FIG. 1**, describing memory **80** within wireless communication device **30** containing phone numbers; page 11, paragraph [0025], referring to **FIG. 2**, describing phone number update module **110** replacing each of possibly multiple instances of the old phone number with the new phone number within address book **92** contained in memory **80** of wireless communication device **30**; page 13, paragraph [0032], referring to block **314** of **FIG. 3**, describing a step of updating the dialed number within the cell phone's phone book and other address books by storing the new number received in the error code in place of the dialed number).

## **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- A. The rejection of claims 1, 7-8, 14-17, and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,687,362 issued to Lindquist, et al. (hereinafter “*Lindquist*”) is to be reviewed on Appeal.
- B. The rejection of claims 3, 10, and 19 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist*, in view of U.S. Patent Application Pub. No. 20040176062 applied for by Hsieh (hereinafter “*Hsieh*”) is to be reviewed on Appeal.
- C. The rejection of claims 6, 13, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist*, in view of U.S. Patent Application Pub. No. 20030179866 applied for by Stillman et al. (hereinafter “*Stillman*”) is to be reviewed on Appeal.
- D. The rejection of claims 4-5, 11-12, and 20-21 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist*, in view of generally known prior art is to be reviewed on Appeal.

## **ARGUMENT**

- A. **The rejection of claims 1, 7-8, 14-17, and 23 under 35 U.S.C. §102(e) as being anticipated by *Lindquist* is not well founded and should be reversed.**

### **1. *Lindquist* does not disclose each claimed feature of claims 1, 8, and 17**

Claim 1, representative also of claims 8 and 17, recites a method implemented during a wireless telephone call for correcting the telephone number that has been dialed but has changed. The claimed method/system includes features enabling telephone number data corresponding to the dialed number that is stored by the wireless device to be correctively updated using information encoded in an error message sent from the communication system to the wireless device.

To this end, claim 1 recites a method in a wireless communication device for updating telephone information stored in the wireless communication device, including a step of “receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system.” On page 2, the final Office Action incorrectly asserts that *Lindquist* discloses “receiving an error code from a wireless

communication system” in FIGS. 1-3 and col. 5, line 55 through col. 6, line 10. In particular, it is asserted that steps 306-309 of **FIG. 3** disclose the system determining if there is new or additional information about the caller/receiver, inherently by an error code, where “yes” indicates the presence of an error.

Applicants contend that the YES and NO indicators in **FIG. 3** are flow diagram structures utilized for algorithmic organization and are not equivalent to an “error code” utilized during actual implementation of the process. Nowhere does *Lindquist* disclose or suggest that the “YES” and/or “NO” or any other “error code” is received as part of the method per se. While referencing a potential need to update changed telephone numbers that would give rise to the subject “error” (i.e. condition in which a phone number has changed) (see Background col. 1, lines 32-35), *Lindquist* fails to disclose or suggest any type of error code or any other processing steps/mechanisms that may address this or any other type of error condition.

The second element of Applicants’ claim 1 further characterizes the “error code” as having a dual function including: (1) indicating whether the dialed number has changed (“automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number,”); and (2) containing information indicating the new number (“wherein the error code contains information indicating the new telephone number”). On page 3, the Office Action asserts that *Lindquist* discloses the foregoing features by depicting an address book in **FIG. 2** in combination with step 308 of **FIG. 3** in which the system determines if new information is available to be added to the caller/receiver address book. The address book depicted and described with reference to **FIG. 2** contains phone numbers but is not equivalent to an error code. Step 308 depicts the *system* determining whether new or additional information about the caller/receiver is available. In accordance with Appellants’ claimed invention, the error code is received from the wireless system. Therefore, the assertion that step 308, showing processing within the system (ostensibly equivalent to Appellants’ claimed wireless system), could be related to processing this error code which was received from the system is illogical. Appellants contend that nothing in *Lindquist* discloses or suggests receipt by the wireless device or any other entity of an error code that both indicates that the particular telephone number utilized to initiate the process has changed and further contains information indicating the new number.

## **2. Claims 7, 14-16, and 23**

Claims 7, 14-16, and 23 are directly or indirectly dependent on the independent claims 1, 8, and 17 which, as contended above by Appellants, have been incorrectly rejected under the reference. By extension, the rejections of claims 7, 14-16, and 23 are not well founded and should be reversed.

### **B. The rejection of claims 3, 10, and 19 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist* in view of *Hsieh* is not well-founded and should be reversed.**

The combination of *Lindquist* and *Hsieh* does not disclose each claimed feature of claims 3, 10, and 19. Claims 3, 10, and 19 are directly or indirectly dependent on the independent claims 1, 8, and 17 which, as contended above by Appellants, have been incorrectly rejected under the reference. As explained above, *Lindquist* fails to disclose “receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system” and “automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number.” Appellants contend that nothing in *Hsieh* or *Lindquist*, either individually or in combination discloses error code processing relating to a wireless telephone call. Therefore, and by extension of the foregoing traversal of the grounds for rejecting independent claims 1, 8, and 17, the rejections of claims 3, 10, and 19 are not well founded and should be reversed.

### **C. The rejection of claims 6, 13, and 22 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist* in view of *Stillman* is not well-founded and should be reversed.**

The combination of *Lindquist* and *Stillman* does not disclose each claimed feature of claims 6, 13, and 22. Claims 6, 13, and 22 are directly or indirectly dependent on the independent claims 1, 8, and 17 which, as contended above by Appellants, have been incorrectly rejected under the reference. As explained above, *Lindquist* fails to disclose “receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system” and “automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error

code contains information indicating the new telephone number.” Appellants contend that nothing in *Stillman* or *Lindquist*, either individually or in combination discloses error code processing relating to a wireless telephone call. Therefore, and by extension of the foregoing traversal of the grounds for rejecting independent claims 1, 8, and 17, the rejections of claims 6, 13, and 22 are not well founded and should be reversed.

**D. The rejection of claims 4-5, 11-12, and 20-21 under 35 U.S.C. §103(a) as being unpatentable over *Lindquist*, in view of generally known prior art is not well-founded and should be reversed.**

The combination of *Lindquist* and generally known prior art does not disclose or suggest each claimed feature of claims 4-5, 11-12, and 20-21. Claims 4-5, 11-12, and 20-21 are directly or indirectly dependent on the independent claims 1, 8, and 17 which, as contended above by Appellants, have been incorrectly rejected under the reference. As explained above, *Lindquist* fails to disclose “receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system” and “automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number.” Appellants contend that the combination of *Lindquist* and the knowledge in the prior art field does not disclose the foregoing error code processing steps. Therefore, and by extension of the foregoing traversal of the grounds for rejecting independent claims 1, 8, and 17, the rejections of claims 4-5, 11-12, and 20-21 are not well founded and should be reversed.

## **CONCLUSION**

Appellants have pointed out with specificity the manifest error in the grounds for rejecting the claims, and the claim language that renders the invention patentable over the combinations of references. Appellants therefore respectfully request that the claim rejections be reversed and this case be remanded.

Respectfully submitted,



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## **CLAIMS APPENDIX**

1. A method in a wireless communication device for updating telephone information stored in the wireless communication device, said method comprising:
  - receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system;
  - automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number;
  - automatically determining the new telephone number from the information; and
  - automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number.
2. **(Canceled)**
3. The method according to claim 1, wherein automatically determining if the error code indicates that the designated telephone number has changed includes detecting tonal signals within the error code transmitted by the wireless communication system.
4. The method according to claim 1, wherein automatically determining if the error code indicates that the designated telephone number has changed includes detecting a software object within the error code transmitted by the wireless communication system.
5. The method according to claim 1, wherein automatically determining the new telephone number from the information includes extracting the new telephone number from a software object within the error code.
6. The method according to claim 1, wherein automatically determining the new telephone number from the information includes performing voice recognition processing on an audio signal accompanying the error code.

7. The method according to claim 1, wherein automatically updating each instance of the designated telephone number within the database includes updating a phone book contained in the wireless communication device.

8. A wireless communication device having automatic update of telephone information stored in the wireless communication device comprising:

means for receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system;

means for automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number;

means for automatically determining the new telephone number from the information; and

means for automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number.

9. **(Canceled)**

10. The wireless communication device according to claim 8, wherein the means for automatically determining if the error code indicates that the designated telephone number has changed includes detecting tonal signals within the error code transmitted by the wireless communication system.

11. The wireless communication device according to claim 8, wherein the means for automatically determining if the error code indicates that the designated telephone number has changed includes detecting a software object within the error code transmitted by the wireless communication system.

12. The wireless communication device according to claim 8, wherein the means for automatically determining the new telephone number from the information includes extracting the new telephone number from a software object within the error code.
13. The wireless communication device according to claim 8, wherein the means for automatically determining the new telephone number from the information includes performing voice recognition processing on an audio signal accompanying the error code.
14. The wireless communication device according to claim 8, wherein the means for automatically updating each instance of the designated telephone number within the database includes updating a phone book contained in the wireless communication device.
15. The wireless communication device according to claim 8, wherein the wireless communication device is a cellular telephone.
16. The wireless communication device according to claim 8, wherein the wireless communication device is a wireless personal digital assistant.

17. An article of manufacture comprising a machine-readable medium including program logic embedded therein that causes control circuitry in a wireless communication device for updating telephone information stored in the wireless communication device to perform a method comprising:

receiving an error code from a wireless communication system, wherein the error code is received in response to the wireless communication device initiating a call to a designated telephone number utilizing the wireless communication system;

automatically determining if the error code indicates that the designated telephone number has changed to a new telephone number, wherein the error code contains information indicating the new telephone number;

automatically determining the new telephone number from the information; and

automatically updating each instance of the designated telephone number within a database contained within the wireless communication device with the new telephone number.

18. **(Canceled)**

19. The article of manufacture of Claim 17, wherein automatically determining if the error code indicates that the designated telephone number has changed includes detecting tonal signals within the error code transmitted by the wireless communication system.

20. The article of manufacture of Claim 17, wherein automatically determining if the error code indicates that the designated telephone number has changed includes detecting a software object within the error code transmitted by the wireless communication system.

21. The article of manufacture of Claim 17, wherein automatically determining the new telephone number from the information includes extracting the new telephone number from a software object within the error code.

22. The article of manufacture of Claim 17, wherein automatically determining the new telephone number from the information includes performing voice recognition processing on an audio signal accompanying the error code.

23. The article of manufacture of Claim 17, wherein automatically updating each instance of the designated telephone number within the database includes updating a phone book contained in the wireless communication device.

**EVIDENCE APPENDIX**

Other than the Office Action(s) and reply(ies) already of record, no additional evidence has been entered by Appellants or the Examiner in the above-identified application which is relevant to this appeal.

**RELATED PROCEEDINGS APPENDIX**

There are no related proceedings as described by 37 C.F.R. §41.37(c)(1)(x) known to Appellants, Appellants' legal representative, or assignee.